

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 21, 2005 - 7:00 P.M.**

A. CALL TO ORDER

Mayor, Bradi D. Diaz called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Smith gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves (excused absence)
Ray Don Clayton
John Gallen
James Stockman
R. Ray Gatewood
Fred Harris (excused absence)
Annabelle Smith

Steven J. Alexander, City Manager
Pamela J. Russell, City Secretary
James R. Thompson, City Attorney

D. ANNOUNCEMENTS

Council Member Stockman

- The Copperas Cove Area Seniors and Law Enforcement Together Council will present a Health and Safety Day on June 23, 2005, 11 a.m. to 3 p.m., at the Copperas Cove Civic Center. A free lunch will be served 12 p.m. to 1 p.m.

E. PUBLIC RECOGNITION – None.

F. CITIZENS' FORUM citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Diane Steele – 905 N. 4th Street. Expressed concerns regarding animal control ordinances.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from June 2, 2005, Regular City Council Meeting. ***Pamela J. Russell, City Secretary***

2. Consideration and action on Resolution No. 2005-22 authorizing the change of fiscal agents on the application to the Bureau of Justice Assistance through the Edward Byrne Memorial Justice Assistance Grant (JAG). ***Jeri Denniston, Grants Administrator/Budget Analyst***

3. Consideration and action on authorizing the award of Bid No. 2005-05-53, 2005 Street HMAC Overlay Project, and authorizing the City Manager to execute a contract in the amount of \$109,654.53 with Woodard Construction. **Paul M. Boyer, P.E., City Engineer**

Council Member Gallen made a motion to approve consent items G-1, G-2, and G-3. Council Member Clayton seconded the motion and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION NO. 2005-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING CHANGING THE FISCAL AGENT FOR THE GRANT APPLICATION TO THE OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE (BJA) THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE GRANT (JAG), FROM THE CITY OF COPPERAS COVE TO CORYELL COUNTY, AND AUTHORIZING THE CHANGE TO BE RELECTED IN THE MEMORANDUM OF UNDERSTANDING APPROVED IN RESOLUTION 2005-08.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2005-09 changing the zoning designation for a .598 acre tract identified as Lot 1, Block 1, Grace Addition from B-4 Business to B-5 Business. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2005-09.

Mayor Diaz opened the public hearing.

Speaking For: Alan Cloud – representing Duk Hwan Cho and Young Sook Cho.

Speaking Against: None.

Mayor Diaz closed the public hearing.

1b. Consideration and action on Ordinance No. 2005-09 changing the zoning designation for a .598 acre tract identified as Lot 1, Block 1, Grace Addition from B-4 Business to B-5 Business. **David Lilley, City Planner/CBO**

Council Member Clayton made a motion to approve Ordinance No. 2005-09. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING ON LOT 1, BLOCK 1, GRACE ADDITION FROM

**B-4 BUSINESS TO B-5 BUSINESS, PROVIDING A SAVINGS CLAUSE; AND
DECLARING AN EFFECTIVE DATE.**

2a. Public Hearing on a replat of lots 54 and 58, Pecan Valley Ranch Estates Phase III, Lampasas County Texas, a located in the Extra Territorial Jurisdiction of the City of Copperas Cove. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Agenda Item H-2a.

Mayor Diaz opened the public hearing.

Speaking For: Mike Kreigel – Mitchell and Associates.

Speaking Against: None.

Mayor Diaz closed the public hearing.

2b. Consideration and action on a replat of lots 54 and 58, Pecan Valley Ranch Estates Phase III, Lampasas County Texas, a located in the Extra Territorial Jurisdiction of the City of Copperas Cove. **David Lilley, City Planner/CBO**

Council Member Smith made a motion to approve agenda item H-2b. Council Member Stockman seconded the motion and with a unanimous vote, motion carried.

3a. Public Hearing on Ordinance No. 2005-11 changing the zoning designation for a 1.1 acre tract identified as 1904 Pecan Cove from R-1 Single Family to AG1 Agricultural. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2005-11.

Mayor Diaz opened the Public Hearing.

Speaking For: Mr. Everth, 1904 Pecan Cove Drive

Speaking Against: Mrs. Diane Steele – 905 N. 4th Street

Mayor Diaz closed the public hearing.

3b. Consideration and action on Ordinance No. 2005-11 changing the zoning designation for a 1.1 acre tract identified as 1904 Pecan Cove from R-1 Single Family to AG1 Agricultural. **David Lilley, City Planner/CBO**

Council Member Clayton made a motion to table agenda item H-3b. Council Member Gallen seconded the motion to table the item. Discussion of the item followed, and with a unanimous vote, motion to table the item carried.

Mayor Diaz requested that this item be brought back for consideration and action as soon as possible.

4a. Public Hearing on Ordinance No. 2005-10 annexing an 87.21-acre tract from the recent Fort Hood land swap and zoning said tract B-4. **Paul M. Boyer, P.E., City Engineer**

Paul Boyer, P.E., City Engineer gave an overview of Ordinance No. 2005-10.

Mayor Diaz opened the Public Hearing.

Speaking For: None

Speaking Against: None

Mayor Diaz closed the public hearing.

4b. Acceptance of the petition requesting voluntary annexation as outlined in Ordinance No. 2005-10 for 87.21 –acre tract is adjacent to the City Limits. The other two are east of the proposed US 190 Reliever Route. **Paul M. Boyer, P.E., City Engineer**

Council Member Gallen made a motion to approve agenda item H-4b. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

4c. Consideration and action on Ordinance No. 2005-10 annexing an 87.21 –acre tract from the recent Fort Hood land swap and zoning said tract B-4. **Paul M. Boyer, P.E., City Engineer**

Council Member Gatewood made a motion to approve Ordinance No. 2005-10. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF COPPERAS COVE, TEXAS, AND EXTENDING THE BOUNDARY OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY AS DESCRIBED IN THE ATTACHED FIELD NOTES WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

I. ACTION ITEMS

1. Consideration and action on Ordinance No. 2005-07, calling a Local Option Election to be held September 10, 2005, said date being a uniform election date, for the purpose of determining whether to allow the legal sale of beer and wine; providing a severability clause; and declaring an effective date. **Pamela J. Russell, City Secretary**

Pamela Russell, City Secretary gave an overview of Ordinance No. 2005-07. Council Member Gatewood made a motion to approve Ordinance No. 2005-07. Council Member Gallen seconded the motion and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CALLING A LOCAL OPTION ELECTION TO BE HELD SEPTEMBER 10, 2005, SAID DATE BEING A UNIFORM ELECTION DATE, FOR THE PURPOSE OF DETERMINING WHETHER TO ALLOW THE LEGAL SALE OF BEER AND WINE; AND DECLARING AN EFFECTIVE DATE.

2. Consideration and action on an "Order of Election" calling a Special Election for proposed amendments to the Charter of the City of Copperas Cove to be held on September 10, 2005, and approving Ordinance No. 2005-08 outlining the election procedures. ***James R. Thompson, City Attorney***

James R. Thompson, City Attorney, gave an overview of Ordinance No. 2005-08. Council Member Gallen made a motion to approve Ordinance No. 2005-08. Council Member Gatewood seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-08

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF COPPERAS COVE; DESIGNATING SEPTEMBER 10, 2005, AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; DESIGNATING THE POLLING PLACE; PROVIDING FOR THE METHOD OF VOTING; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

3. Consideration and action on authorizing the City Manager to execute a professional engineering services contract with Turley Associates to provide plans and specifications for the Mountain Top Water Improvements Project. ***Paul M. Boyer, P.E., City Engineer***

Paul Boyer, P.E., City Engineer, gave an overview of agenda item I-3. Council Member Stockman made a motion to approve agenda item I-3. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on approval of the Government Access Channel Administration Policy. ***Steven J. Alexander, City Manager***

Steven Alexander, City Manager gave an overview of agenda item I-4. Council Member Gallen made a motion to approve agenda item I-4. Council Member Clayton seconded the motion.

City Manager, Steven Alexander stated that the policy will be revisited in three months time.

5. Consideration and action on Ordinance No. 2005-12 creating an Animal Shelter Advisory Committee. **Mike Heintzelman, Deputy Police Chief**

Mike Heintzelman, Deputy Police Chief, gave an overview of Ordinance No. 2005-12. Council Member Gallen made a motion to approve Ordinance No. 2005-12. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING SECTIONS 3-97 THROUGH 3-103 OF CHAPTER 3 "ANIMALS AND FOWL"; TO CREATE AN ANIMAL SHELTER ADVISORY COMMITTEE; PROVIDING FOR APPOINTMENT, REMOVAL, AND TERMS OF OFFICE AS MEMBERS; PROVIDING FOR MEETINGS AND DUTIES OF THE COMMITTEE; ORDAINING OTHER MATTERS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. Consideration and action on authorizing the City Manager to enter into a Community Video and Street Banner Branding Program agreement with CGI Communications, Inc. **Amy Anderson, Solid Waste Supervisor/Recycling Administration**

Robert Camareno, Assistant City Manager/Director of Finance, gave an overview of agenda item I-6. Council Member Gatewood made a motion to approve agenda item I-6. Council Member Stockman seconded the motion, and with a unanimous vote motion carried.

7. Consideration and action on Resolution No. 2005-21 authorizing and supporting the submission of a grant application under the Staffing for Adequate Fire and Emergency Response (SAFER) Act through the Department of Homeland Security, Office of Domestic Preparedness, for 9 firefighters, and authorizing the Grants Administrator/Budget Analyst to apply for and to act on behalf of the City in matters related to the application. **Jeri Denniston, Grants Administrator/Budget Analyst**

Jeri Denniston, Grants Administrator/Budget Analyst gave an overview of Resolution No. 2005-21. Council Member Stockman made a motion to approve Resolution No. 2005-21. Council Member Gatewood seconded the motion, and with a unanimous vote, motion carried.

The Resolution Caption reads as follows:

RESOLUTION NO. 2005-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION UNDER THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) ACT THROUGH THE DEPARTMENT OF HOMELAND SECURITY, OFFICE OF DOMESTIC PREPAREDNESS FOR 9 FIREFIGHTERS; AUTHORIZING THE GRANTS ADMINISTRATOR / BUDGET ANALYST TO ACT ON BEHALF OF THE CITY OF COPPERAS COVE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT, IF A GRANT IS RECEIVED, THE CITY OF COPPERAS COVE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE DEPARTMENT OF HOMELAND SECURITY.

J. STAFF REPORTS

Bob McKinnon, Water/Wastewater Director gave a report on the water situation in the City of Copperas Cove and stated: On Sunday BWCID began experiencing water problems due to the fire that occurred at one of the pump plants. The City has asked citizens to curtail outside use of water for washing vehicles, watering yards, etc. We are not under a boil water notice, and hopefully we will not have to go to mandatory water conservation, although there is a strong possibility this may happen. The main reason the City is still in service is thanks to the Water Department employees. Steven Alexander, City Manager and Council Member Gatewood both expressed appreciation and thanks to the dedicated hard working water department employees. Mayor Diaz stated that the City is asking for a voluntary ban on watering outside and washing cars.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS – None.

Council Member Clayton requested a workshop with Bell County WCID.

M. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the evaluation of the City Secretary.

2. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the duties and responsibilities of the City Manager.

Mayor Diaz adjourned the regular session of the meeting to go into Executive Session at 8:38 p.m. Mayor Diaz announced that agenda item M-2 had been pulled from the agenda.

N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

Mayor Diaz reconvened the meeting at 8:49 p.m. and stated that Executive Session item M-1 was for information purposes only and no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting adjourned at 8:49 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary